IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Crl.Rev.Pet.No. 592 of 2001

CRL.A.16/1997 OF ADDL.SESSIONS COURT, NORTH PARAVUR,
C.C. NO.149/1994 OF JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR.

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REVISION PETITIONER/APPELLANT/ACCUSED NO.1:

NARAYANAN, S/O. GOVINDAN,
THIRUTHYPARAMBIL HOUSE,
KANNIMANGALAM KARA,
AYYAMPUZHA VILLAGE.

BY ADV. SRI.M.T.SURESHKUMAR,
ADV. SRI. RAJA VIJAYA RAGHAVAN.

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/09/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

prv.

K.R. UDAYABHANU, J.

CRL.R.P.NO. 592 OF 2001

DATED THIS THE 24th September 2007

ORDER

The revision petitioner is the first accused who stands convicted for the offence under Section 326 I.P.C. and sentenced as modified by the appellate court to undergo simple imprisonment for three months and to pay a fine of Rs.3,000/- and in default to undergo simple imprisonment for one month. Originally A1 and his son A2 were charge sheeted for the offence under Sections 323 and 326 read with Section 34 I.P.C. The trial court convicted both the accused and sentenced. The appellate court acquitted both the accused under Sections 323 read with Section 34 I.P.C. The 2nd accused was also acquitted for the offence under Section 326 I.P.C. The trial court sentenced the first accused to undergo simple imprisonment for one year for the offence under Section 326 I.P.C. The same was modified by the appellate court to undergo simple imprisonment for three months and to pay a fine of Rs.3000/-. It is submitted that A1 is the brother of PW1. Taking into consideration of the above aspect the appellate court has modified the sentence.

2. Counsel for the revision petitioner has only pleaded for leniency pointing out that the revision petitioner/A1 is aged more than

65 years and that they have settled the differences.

3. In the circumstances, the conviction is confirmed and the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.15,000/- to PW1 and in default to undergo simple imprisonment for six months. The revision petitioner is granted two months time to remit the compensation. He shall appear before the Judicial First Class Magistrate, Perumbavoor on 31-12-2007 to receive the sentence. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CRL.R.P. NO. 592 of 2001

ORDER

24-9-2007